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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/593,451

11/20/2006

Fumio Isozaki

8091-1006

9931

466 7590 04/06/2011

YOUNG & THOMPSON  
209 Madison Street  
Suite 500  
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EXAMINER

FLANDERS, ANDREW C

ART UNIT

PAPER NUMBER

2614

NOTIFICATION DATE

DELIVERY MODE

04/06/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/593,451	<b>Applicant(s)</b> ISOZAKI, FUMIO	
	<b>Examiner</b> ANDREW C. FLANDERS	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 15 – 18** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

**Claims 15 – 18** are directed to a Computer readable medium. Computer readable mediums are well known in the art to encompass transitory (signals, waves etc) and non-transitory (hard disks, optical media etc) implementations. The current presentation of the claim does not exclude the transitory mediums. As a result, the claims can be interpreted as nothing more than a signal. Signals do not fall within one of the four enumerated statutory categories.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 7 - 18** are rejected under 35 U.S.C. 102(b) as being anticipated by Yankowski (U.S. Patent 5,757,673).

Regarding **Claim 7**, Yankowski discloses:

An apparatus for outputting audio information of contents in a form of sound (Fig. 2), comprising:

a reading unit that reads information of the contents from a recording medium on which the contents are recorded (106);

a retrieving unit that retrieves identification information unique to each recording medium, the identification information created based on the information read (110, 114 and 116, the situation where the disc information is local and stored);

a creating unit that creates identification information for a recording medium for which the identification information has not been retrieved by the retrieving unit (steps 120 – 139; Fig. 4A and 4B, retrieval of the information from the remote server or the manual entry); and

an output unit that outputs sound identified by the identification information (playback; Figs. 4A and 4B).

Regarding **Claim 8**, in addition to the elements stated above regarding claim 7, Yankowski further discloses:

wherein the output unit outputs the sound identified by the identification information prior to output of the audio information of the contents (i.e. the situation

where the disc data isn't found but the user chooses to play instead... thus no information will be output; Fig. 4A-B).

Regarding **Claim 9**, in addition to the elements stated above regarding claim 7, Yankowski further discloses:

the creating unit creates the identification information by determining values of parameters at random (i.e. manually entering; Fig. 4A-B, manually entry implies selection of information entered by user which at least implies a different selection of entry for each user or a particular users desires, thus random).

Regarding **Claim 10**, in addition to the elements stated above regarding claim 7, Yankowski further discloses:

the creating unit creates the identification information by determining values of parameters based on the information read (i.e. remote database information entry; Fig. 4A-B, which is based on the fingerprint of the disc).

**Claims 11 – 17** are rejected under the same grounds stated above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW C. FLANDERS whose telephone number is (571)272-7516. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew C Flanders/  
Primary Examiner, Art Unit 2614